UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/SR.1181
27 October 1992

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Forty-sixth session

SUMMARY RECORD OF THE 1181st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 21 October 1992, at 10 a.m.

Chairman: Mr. POCAR

CONTENTS

Consideration of reports submitted by States parties under article 40 of the Covenant (continued)

Third periodic report of Senegal (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.92-18026 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Third periodic report of Senegal (CCPR/C/64/Add.5) (continued)

1. Mr. MAVROMMATIS said that he would like to know whether the State Security Court had indeed been abolished.

2. Mr. FOFANA (Senegal) confirmed that that Court had been abolished by Act 92-31 a few months previously. Consequently, cases that would have come before those courts were being dealt with by departmental or regional courts.

3. The CHAIRMAN invited the delegation of Senegal to reply to the questions raised in section IV of the list of issues, which read:

"IV. Freedom of movement and expulsion of aliens, right to privacy, freedom of opinion and expression, prohibition of propaganda for war and the incitement to national, racial or religious hatred, freedom of association and assembly (articles 12, 13, 17, 19, 20, 21 and 22)

(a) Please provide details on actual cases in which naturalized citizens have been deprived of their status as Senegalese.

(b) Why does the chapter in the report concerning article 13 of the Covenant only refer to the situation of refugees?

(c) Provide details on legislation relating to freedom of movement, especially with regard to restrictions imposed by law. (See paragraph 47 of the report.)

(d) How is the expression of different points of view ensured in the State broadcasting corporation?

(e) Has the Government recently applied penalties in cases where newspaper articles are considered to jeopardize public security or morals? If so, please provide details of such cases. (See paragraph 74 of the report.)

(f) Please clarify how the compatibility of Act 78-02 of 29 January 1978 with article 21 of the Covenant is ensured. (See paragraph 78 of the report.)

(g) How are the obligations under article 20 of the Covenant implemented in Senegalese law and practice?"

4. Mr. FOFANA (Senegal), replying to the question in paragraph (a), said that the cases in which naturalized citizens were deprived of their status as Senegalese were set forth in article 16 of Act 61-10 of 7 March 1961, as amended by Act 89-42, which provided that for a period of 10 years following the decree of naturalization, a naturalized citizen could not be assigned elective functions for which a person must be a Senegalese or hold ministerial office. It also stated that for a period of five years following the decree,

a naturalized citizen could not practise a profession for which Senegalese nationality or prior ministerial authorization was required. However, that prohibition could be lifted by decree if the naturalized citizen had rendered or might render exceptional services to Senegal.

5. With regard to the question in paragraph (b), there were two texts concerning immigration and emigration in Senegal. A foreigner residing in Senegal had to register with the police and to obtain an identity card. The immigration law also set out the conditions which a foreigner must meet in order to reside in Senegal. The expulsion of foreigners was governed by article 36 of the Penal Code. Under the provisions regarding the prohibition of residence, a foreigner could be prohibited from residing anywhere in the national territory. The police officers who followed the proceedings prepared the expulsion order and the foreigner was expelled from the country immediately after being released from custody.

6. Referring to paragraph (c), he said that from 1965 to 1981, the law on emigration had required Senegalese citizens to obtain an exit visa in order to leave the country. That requirement had then been abolished. At the present time, Senegalese nationals wishing to travel outside Africa were required to hold a return ticket, to prove that they had the means to live in the country of destination and to have an entry visa for that country.

7. With respect to paragraph (d), the expression of different points of view was guaranteed by a body that had been created to ensure respect for pluralism. It had recently been reorganized following proposals by the political parties.

8. With regard to paragraph (e), he said that the profession of journalism involved certain obligations, such as objectivity, impartiality, honesty and dignity. When a journalist failed to comply with those obligations, he became subject to the legislation which regulated the profession of journalism and the Penal Code.

9. With respect to the question in paragraph (f), he said that Act 78-02 had been enacted to regulate the holding of meetings. Private meetings could be held freely and the authorities merely had to be informed about them. With regard to public meetings, it was sufficient to notify the authorities or to request their authorization. It should be noted that the authorities merely took the necessary measures to ensure public order. Following the reform of the electoral law, the requirement to request authorization to hold meetings during an election campaign had been abolished.

10. Referring to the question in paragraph (g), he said that propaganda for war and advocacy of hatred were prohibited in his country's legislation. Furthermore, tolerance and fraternity were taught at all educational levels and also stressed in religious instruction. It should be noted that the new legislation in Senegal covered all activities which might result in incitement to racial hatred or hostility and laid down very severe penalties for persons found guilty of such offences.

11. Miss CHANET, referring to paragraph 74 of the report, said that, in addition to the obligations mentioned in that paragraph, there was a second aspect to the work of a journalist, namely that of commenting on the facts.

12. She noted that there were a large number of articles of the Penal Code under which a person could be punished for expressing an opinion, a situation which could have the effect of subduing the population.

13. She asked the delegation of Senegal to indicate the kind of documents which it could be forbidden to disseminate.

14. Mr. SADI said that there was clearly a distinction between Senegalese nationals and naturalized citizens, who were accorded fewer rights and privileges. Furthermore, there were different categories of naturalized citizens.

15. He asked the delegation whether, in its view, those distinctions were consistent with the Constitution of Senegal and with the spirit of the Covenant.

16. Mr. WENNERGREN, referring to paragraph 78 of the report, said that the right of peaceful assembly was the corollary of the freedom of expression, since that was one way in which the grass roots expressed their opinion. He wondered what would happen if a meeting took place spontaneously without those involved being able to request authorization for lack of time. He asked whether the police would be ordered to break up such a meeting.

17. Mr. ANDO associated himself with the points raised by Miss Chanet and Mr. Wennergren concerning the freedom of expression. He would also like to know whether the Government was planning to privatize the mass media in Senegal.

18. With regard to the question of freedom of assembly, he inquired which authorities approved private meetings and whether their decisions were subject to judicial review.

19. Mr. MÜLLERSON noted with satisfaction that there was a variety of newspapers and other publications in Senegal.

20. With regard to the freedom of the press, he requested clarification of the requirement of honesty for journalists.

21. Mr. AGUILAR URBINA said that he would welcome more detailed information on freedom of expression, which seemed to be under constant threat. He thought that the requirements imposed on journalists would affect their freedom of expression. A journalist's activity not only involved reporting an event but also commenting on its possible consequences.

22. He requested information on the specific cases of two journalists of a private newspaper who had been found guilty of disseminating false reports.

23. Mr. PRADO VALLEJO drew attention to paragraph 71 of the report, which referred to possible restrictions on the right to privacy. What restrictions were they, who would impose them, and how could a citizen defend his rights in the case of unreasonable restrictions? He also wished to know the nature of the State media referred to in paragraph 75, how such media operated and what regulations existed to ensure that they observed strict impartiality and objectivity. Was access to them freely available? How was the Human Rights Committee referred to in paragraph 77 constituted, what were its functions,

who designated its members and was it empowered to receive reports on human rights violations? He also inquired what services it provided not only in education but also in the active defence of human rights, and how it had operated recently.

24. Mr. LALLAH, referring to the question of freedom of the press, asked when the penal provisions in that regard had first been introduced into Senegalese law. Did they date from the time before democracy had been established and, if so, should they not be reviewed in the light of the existing democratic situation? Could some indication be given of the number and frequency of prosecutions against journalists? The fact that stringent legal provisions existed would in any event tend to create self-censorship among them.

25. It had been stated in the second periodic report of Senegal that the law of 1979 placing restrictions on press organs and on journalists had been replaced by a law of 1986 and that two commissions - a professional identity card commission and a press organ commission - had been created. How had those organs functioned, had any authorizations been issued by them and, if so, had any been withdrawn?

26. Mr. FOFANA (Senegal), responding to comments on paragraph 74 of the report, said that article 49 of the Press and Journalism Act stipulated that journalists must treat information with scrupulous respect for objectivity and impartiality, and article 50 stated that the journalist must exercise his profession with honesty. Slander, unfounded accusations, alteration of documents, distortion of the facts, deliberate inaccuracy, the use of false means to extort information or the abuse of good faith were viewed as dishonest practices. In reply to Mr. Müllerson's question, honesty meant honesty towards the reader rather than towards the State. Further to Mr. Aguilar Urbina's remarks, the freedom of journalists to comment had never been challenged but it was considered important to prevent them from fabricating reports or misleading the reader. The journalists sentenced some years earlier had published reports which were considered to have had a demoralizing effect on the army, and that, in turn, could have serious consequences for the State.

27. Reference had also been made to the many offences relating to the right of free expression which were covered by the Code of Penal Procedure. With the birth of democracy, the legislature had been concerned to ensure total freedom of expression, but that had led to a situation in which journalists had published whatever they chose without regard for impartiality, objectivity or honesty, while slander and defamatory statements had become commonplace, poisoning Senegal's social life. That was why the many criminal provisions relating to the press had been introduced. The situation was, however, being reviewed, and it was expected that the offences in question would in future be reduced to ordinary law offences, which would allow anyone who had been slandered to seek compensation.

28. Further to Mr Sadi's remarks, he said there was a difference between citizenship and nationality. Nationality was a question of legal and political links with the State, while citizenship was a consequence of such nationality. The growth of a kind of micro-nationalism had made it necessary to protect nationals, reserving certain types of employment and the exercise of certain professions to them, and conditions had been established governing naturalization and the exercise of public office. Because Senegal was a haven

of peace and security, many rich foreigners had settled there and their children had competed with Senegalese children for educational opportunities. Contrary to the policy of expelling foreigners adopted by some other States, Senegal had taken legal measures to protect their interests through its Nationality Act. An amendment to the Constitution stipulated that only nationals could stand for election to the office of President. The Act for the protection of nationals might not be in conformity with the spirit of the Covenant, but the Committee should understand that it was the result of economic and social constraints.

29. Reference had been made to citizenship and eligibility to vote. A period of 10 years must elapse before foreigners could gain Senegalese citizenship or vote or be elected to office. That provision, again, had been essential in order to protect nationals. It was possible that with African integration the regulations might be relaxed, as was being done in Europe.

30. Mr. Wennergren had wondered why prior authorization had to be obtained in order to hold public meetings. The concept of public order was extremely important in Senegal. The forces of law and order were small, with only a single police force to cover all requirements; it could not be mobilized rapidly to supervise the holding of mass meetings and certain precautions had to be taken. Permission to hold meetings had never been refused but, if it were, there could be an appeal to the administrative courts, which could overturn such refusal. The need for prior application was a purely precautionary measure. The sentencing of journalists, of which mention had been made had restored some order to the situation and made journalists aware of their obligations. The public authorities must not neglect any aspect of public order. The State had not brought any prosecutions against journalists for the past two or three years.

31. Mr. Ando had referred to freedom of expression and to privatization of the media. There were some private bodies in radio and television, and foreign radio and television broadcasting had begun to operate in Dakar. Private television channels were also permitted. Several types of media were expected to enter the country by the end of the year and privatization to go ahead in 1993. There was no question of a monopoly.

32. On the question of State media, anyone who wished to inform the public on any matter could be invited by the editor or producer to pass the information to the journalist concerned for dissemination within the following two days. Anyone wishing to have announcements inserted in the press could do so on payment of an appropriate charge.

33. With respect to youth camps, youth activities had been organized in Senegal from the outset of independence, and the camps had been established to instil public-spiritedness into young people, who had taken part in such activities as reforestation on a purely voluntary basis. Such activities were encouraged by the municipality, which provided the necessary equipment. Street cleaning was proceeding well, with the full involvement of young people. Some prisoners who so wished were permitted to join in work on construction sites, etc. on a purely voluntary basis, returning to prison in the evening. The remuneration for their work was held for payment to them on their release. The work they performed helped them to reintegrate harmoniously into society.

34. On the right to privacy, exceptions could be made in states of emergency to the principle of privacy of correspondence, but such exceptions had never been applied in practice. Even during states of emergency there had been no censorship of correspondence and no monitoring of telephone communications.

35. The Senegalese Human Rights Committee, chaired by a Supreme Court judge, was made up of one representative of the Office of the President, one representative of each of the main ministries and representatives of workers' organizations, women's and youth movements, non-governmental organizations and others. The chairman was appointed by decree and its members by the ministries concerned or the groups they would represent. The Committee published reports on its activities, which included drawing the attention of the competent authorities to human rights violations.

36. Instances of legal action being taken against journalists were rare, but from time to time complaints were received from individuals claiming defamation in the press. A press commission had been created to harmonize the regulations. Journalists were issued with identity cards which gave them wide access to information for reporting purposes.

37. Lastly, on the general question of whether Government regulation was excessive, either with respect to the media or in other fields, it was worth remembering that centralization and effective supervision were important first steps in a nascent State. With progress now having been made towards full democracy, there were greater opportunities for liberalization. His Government was concerned to bring its legislation into conformity with international instruments, including the Covenant, and it would continue to respond positively to the criticisms of members of the Committee and draw lessons from them with a view to enhancing the country's legal system.

38. The CHAIRMAN invited Committee members to make their concluding observations on the third periodic report of Senegal.

39. Mr. EL SHAFEI expressed his appreciation to the State party for the punctual submission of its reports since Senegal's accession to the Covenant. Those reports and the explanations provided by the representatives of the State party helped the Committee to make an objective assessment of the situation regarding the promotion and observance of human rights in Senegal. While he had some reservations as to the content of the third periodic report, which did not deal fully enough with the difficulties facing the country, particularly in the south, and with how those difficulties affected implementation of the Covenant, he particularly noted the earnest efforts of the authorities in Senegal to take account of the Committee's comments in the process of reorienting the national legislation and providing the legal guarantees necessary for the enjoyment of human rights.

40. The dialogue with the Committee, which had been frank and constructive, showed that there were still some subjects of concern. Two such concerns were the lack of investigation by the authorities into allegations of extrajudicial executions and torture in places of detention by members of the army or the police, and the amnesty laws exempting such persons from prosecution in cases where allegations had proved to be correct. Another concern was whether the provisions of the Family Code were compatible with the Covenant, notwithstanding the Senegalese delegation's efforts to justify them. Lastly, the question remained whether the amended Press and Journalism Act of

April 1979 was still to be considered restrictive in that it might inhibit freedom of expression and also infringe the right of access to information.

41. That said, he wished to reiterate his view that the reporting procedure had been very fruitful, and to place on record his appreciation of the assurances given by the representative of the State party regarding continued cooperation with the Committee.

42. Mr. HERNDL congratulated the delegation on its contribution and commended the very good report, which supplemented the extremely detailed second periodic report, although it might have given more attention to actual practice rather than concentrating on the legal situation relating to the various articles of the Covenant. Senegal was clearly on the right path to full democracy and the Committee needed to make allowance for the difficulties that might arise in what could be termed a period of transition when it sought to assess the country's fulfilment of its obligations under the Covenant.

43. None the less, he still had some doubts about the practical application of the Covenant, particularly regarding the issues of real freedom of the press and the way the Government protected the right to life. He wondered whether the measures taken to investigate and prosecute officials in cases involving the so-called "Casamançais separatists" (para. 39 of the report) were comprehensive enough to ensure that the guilty were brought to justice.

44. Concerning non-discrimination, it was surely too easy just to deny that there were minorities: if minorities existed, article 27 should be fully applicable to them. Equality of the sexes, forced labour and the stripping of nationality for unworthiness were also subjects of concern, but he was sure that those and other issues could be addressed effectively if account was taken of the comments and suggestions of members of the Committee.

45. Mrs. HIGGINS said that she wished first to note the good human rights record of Senegal and its spirit of cooperation with the Committee, as witnessed by its timely and frank reporting. Senegal had been advancing to full democracy and she saw evidence of progress each time representatives of the State party came before the Committee. The abolition of the State Security Court was to be welcomed and she had also appreciated the delegation's candid response on shortcomings with regard to notification of derogations under article 4 of the Covenant.

46. On the issue of sex discrimination, the provisions in the Family Code making the husband the head of household had implications going well beyond purely financial considerations. Perhaps the concept of head of household was not needed. She also questioned the view that polygamy was bound always to exist; if that was the case, why not argue that polyandry too should be practised?

47. Regarding early access to legal counsel, she hoped that the promises given would be followed up by improvements. While she accepted that some restrictions might need to be placed on journalists to ensure that they acted responsibly and did not poison social life, such restrictions in any State party must accord with the criteria in article 19 (3) of the Covenant. On the amnesty issue, there was nothing in the legal texts that required them to be applied as impunity laws, as the representative of the State party had indicated, but there was always the danger that they might be used to grant

impunity, as in the cases involving violent secessionism. Officials responsible for violations in that connection must be brought to justice.

48. With reference to paragraphs 92 et seq. of the report, concerning the rights of minorities, she wished to point out that periodic reports were not the place to formulate legal arguments questioning the applicability of treaty provisions. Any reservations contemplated by a State party must be made at the time of ratification, not under the reporting procedure. Reluctance to recognize the existence of minorities derived perhaps from the mistaken notion that there was something pejorative about people being treated as a minority. In fact, the opposite was true: being treated as a minority in accordance with article 27 conferred benefits on those people. She felt sure that Senegal was according such people their rights. Naturally, it regarded them as Senegalese; the point was that they were also members of minorities.

49. Senegal was a country fundamentally committed to human rights, but reputations were easily lost. She therefore hoped that the Government would maintain that commitment so that the people of the country continued to enjoy their human rights.

50. Mr. LALLAH commended the State party on the frank and capable way in which it had fulfilled its reporting obligations, something that the Committee had come to expect from a country that was one of the first to enact legislation giving effect to the recommendations of the Committee in a number of fields. Among the subjects of concern that remained, he noted in particular the issues of accessibility of legal counsel from the moment of a person's arrest, and the laws which might in some cases constrain freedom of expression. Another issue concerned Senegal's obligations under article 4. In that regard, he welcomed the reply of the representative of the State party, who had referred to instructions from his office that notification of any derogations would have to be made in future. It would still be advisable, however, to look into the relevant provisions of the Constitution with a view to ensuring that no derogations were made unless fully warranted. It was also important to ensure that full investigations were made into the deaths resulting from the sad events in southern Senegal.

51. Lastly, on the question of equality of the sexes, even if polygamy was still customary the State must take the initiative and go beyond what custom allowed: no practice should be considered justifiable for ever in a legal order.

52. Mr. WENNERGREN expressed his deep appreciation for the dialogue which the State party had entered into with the Committee, and which had been facilitated by the expertise of its delegation, and welcomed the positive developments that had occurred since the submission of the second periodic report. The reorganization of the supreme judicial bodies was one such development that would promote the security of the individual and his rights. Another important development was the introduction of the office of Mediator, whose competent staff had been able to handle several thousand cases in the first year of its existence. Amendments had been made to laws in various fields, although some of the country's other legislation appeared outdated and in need of revision. The provisions concerning the age of criminal majority were, to his mind, very complicated; he was still uncertain whether article 6 (5) of the Covenant was being complied with and had sensed a certain

hesitancy in the reply on that matter. The provisions to ensure trial of an individual in his presence were also difficult to understand and should perhaps be modernized.

53. The representative of the State party had often referred to the need to take account of social reality. Use of the amnesty laws appeared to have been dictated by that reality. It was surely difficult, however, for a State to say that the forces of law and order "never use their weapons for gratuitous killing" (para. 26 of the report). Members of the police, gendarmerie and armed forces were bound to lose their tempers sometimes under pressure and there was a need to instil dedication to human rights protection in law-enforcement personnel at all levels, for example through special training - an issue that had not been properly covered in the discussion.

54. Lastly, the purpose of his question on freedom of assembly had been to elucidate whether the requirement to obtain permits or prior authorization might not have the effect of curtailing spontaneous demonstrations and meetings. He wondered how reasonable it was to expect people to decide well in advance that they wished to give public expression to their views.

55. Mr. MAVROMMATIS said it was not surprising that the Committee's dialogue with the delegation of Senegal had been fruitful, given the country's excellent record in the field of human rights. It appeared that efforts were constantly being made to improve on that record: the abolition of the State Security Court, for example, was a welcome development. Yet when faced with emergency situations, Senegal sometimes lowered its guard against possible violations of human rights, and additional efforts must be devoted to investigating all charges of such violations. It might be useful to refer to the Committee's general comments on the Covenant, which provided pertinent information about measures, such as supervision of places of detention and guarantees of prompt access to detainees by lawyers, that might be used to prevent torture or other human rights violations.

56. On the question of polygamy, he did not believe that the solution was to modify the situation so as to enable women to take more than one husband. Whichever way the system worked, it was degrading to the individual. More efforts should be made to remove the social barriers that placed women in the position of second-class citizens, thus predisposing them to accept the institution of polygamy.

57. Mr. PRADO VALLEJO thanked the Senegalese delegation for its cooperation, which had paved the way for an interesting exchange of views. Progress in defending human rights was evident, especially in the legislative aspects, and he sensed that there was true respect for human rights among the Senegalese people. He had been left with some concerns, however.

58. Accusations of abuse and mistreatment of prisoners and of summary executions and torture did not seem to have been sufficiently investigated. The reluctance of the Senegalese Government to recognize the existence of minorities was also a matter of concern. The numerous amnesties that had been proclaimed hindered the investigation of human rights violations and the meting out of punishment for the guilty parties.

59. On polygamy, he recognized the point that it was a tradition in Senegal, but traditions must evolve in keeping with the times. Polygamy was a violation of the intrinsic worth of women.

60. Finally, the fact that the Senegalese Human Rights Committee comprised members of the Government made it doubtful whether it could maintain the independence necessary to conduct a thorough investigation of human rights violations.

61. Mr. ANDO commended the Senegalese delegation for its careful replies to the questions raised by members of the Committee. Some outstanding problems regarding implementation of the Covenant should be noted. Equality of the sexes and equality between spouses was by no means fully realized in Senegal. The application of the amnesty law sometimes hindered the investigation of human rights violations, and the system for treatment of detainees had the potential to lead to abuses. These were also too many restrictions on the mass media and the holding of public meetings.

62. On the question of minorities, article 27 should be implemented fully. He was aware of the difficulties inherited from the colonial past, the colonial Powers having drawn national borders without regard to the interests of the various peoples. Nevertheless, at the first meeting of the Organization of African Unity, the African nations themselves had resolved to respect the existing boundaries. They therefore had a responsibility to follow through on the commitments they had voluntarily entered into, including those incorporated in the Covenant.

63. Mr. MÜLLERSON said the dialogue on the third periodic report of Senegal had been of high quality. Senegal was a democratic country that could serve as an example for many of its neighbours.

64. The existence of minorities in Senegal was indisputable, and only if they were recognized could progress be made towards ensuring their full enjoyment of human rights in accordance with article 27 of the Covenant.

65. The Senegalese delegation had said that the primary responsibility of journalists was to their readers, but the sum total of the measures applying to the mass media might tend to limit the freedom to report on and analyse events.

66. He entirely agreed that a nation must defend its territorial integrity and counter the actions of secessionists who used terrorist tactics. However, although non-governmental organizations were not infallible, they had made sufficient reports of use of excessive force against secessionists to warrant concern.

67. Mr. SADI said that the Senegalese delegation had made an impressive presentation. The Committee did not expect any country to be perfect: its objective was to establish an exchange through which inadequacies could be aired and discussed.

68. The delegation of Senegal had stated that the Covenant must be interpreted against the backdrop of social customs and traditions. Yet all Governments, including that of Senegal, had had their say during the drafting

of the Covenant. It could be argued that social customs and traditions must now be interpreted in the light of the Covenant, and not vice versa.

69. The practice of polygamy was often traced back to Islam, but wrongly. Under Islam, a man was entitled to take more than one wife if he was able to treat his wives equally, but it was also made clear that, in reality, that was impossible.

70. Mr. SERRANO CALDERA said the information provided by the report and the Senegalese delegation had been of high quality and attested to the country's efforts to protect and promote human rights.

71. There seemed to be general agreement on the need for better and more thorough investigation of cases of torture and summary execution. The fact that detainees could be held without charge for up to eight days was disturbing, even though article 55 of the Penal Code offered some protection in such situations. Similarly, the lack of access by lawyers to detainees ran counter to the right to legal counsel, which began from the moment an individual was deprived of his freedom.

72. Although the death penalty had been applied only twice in 30 years, the fact that it remained on the statute-book and could be applied to minors was unfortunate. There was also reason for concern regarding freedom of expression as applied to journalists.

73. On polygamy, he acknowledged the point that different cultures had different traditions, but a practice should not be allowed to contravene an international instrument signed by a Government, as the Covenant had been.

74. Finally, the existence of minorities should be recognized and efforts made to integrate them better into the life of the country.

75. Miss CHANET said a comparison with the situation in Senegal at the time of the second periodic report showed that the country had now evolved towards a greater degree of democracy.

76. The Senegalese Government's broad powers during states of emergency called for a reservation to be made with regard to the full application of the Covenant. A declaration should also have been made to the Secretary-General, in accordance with article 4, regarding the limitations on freedom of movement imposed under the state of emergency declared recently.

77. The recognition of minorities was incumbent upon Governments in pursuance of article 27 of the Covenant. In Casamance, the struggle against separatists appeared to justify, in the Senegalese Government's view, measures that violated articles 6 and 7 of the Covenant. The Senegalese Government might benefit from reading the Committee's general comment on article 7 of the Covenant in connection with the numerous amnesties it proclaimed.

78. The time period during which individuals could be held before being charged was far too long. The explanation that the presence of lawyers would only hinder the work of the police during that period was not acceptable: it was precisely then that a lawyer needed to be present to defend the accused's rights should the police attempt to extract a confession from him. The death penalty should be abolished, especially in the case of minors.

79. Finally, she noted the encouraging information on revision of the Press Code, which should promote the freedom of expression of journalists.

80. The CHAIRMAN observed that the dialogue with the Senegalese delegation had furnished rich material for the Committee's consideration. He shared the concerns expressed by other members of the Committee about the remaining obstacles to full enjoyment of human rights. He was certain that, on returning to Senegal, the delegation would fully inform the Government of the discussion and ensure that all comments made by Committee members were taken into account. It was obvious that that had been done after the consideration of the second periodic report, and Senegalese legislation had been improved accordingly.

81. Mr. FOFANA (Senegal) thanked members of the Committee for their kind words on his Government's implementation of the Covenant. He had taken careful note of the concerns that had been voiced and would faithfully transmit them to the Government.

82. Returning to the question of polygamy, he said his Government was aware of the trend towards its disappearance throughout the world, yet it was convinced that prohibition of the practice would not eradicate it and indeed would only serve to exacerbate the problem.

83. On the subject of minorities, he stressed that problems relating to such groups, as defined in the Covenant, did not exist in Senegal.

84. The CHAIRMAN thanked the Senegalese delegation and said that consideration of the third periodic report of Senegal was concluded. The fourth periodic report would be due on 4 April 1995.

The meeting rose at 1.10 p.m.